

SENATE CHAMBER,  
AUSTIN, TEXAS, March 4, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Journal of yesterday read and adopted.

Senator Franks presented a memorial from the Police Court and citizens of Austin county against the division of the county. Read and referred to the Committee on Counties and County Boundaries.

Senator Dohoney presented a memorial from the citizens of Fannin county, protesting against the extension of the corporate limits of Bonham, Texas. Read and passed to the orders of the day with bill on same subject.

Senator Sayers, chairman *pro tem.* of the Committee on Finance, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred Senate bill No. 131, "An act reimbursing Bastrop county, and appropriating the sum of two hundred and twenty-five dollars for that purpose," respectfully beg leave to report the same back with the following amendment, and recommend its passage: Amend section one of said bill by adding the words, "*provided*, the receipt of said treasurer, executed and delivered to R. F. Campbell, be returned to said treasurer."

J. D. SAYERS, for Committee.

Senator Finlay, chairman of Judiciary Committee No. 2, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committees Nos. 1 and 2, to whom was referred "An act to confer additional jurisdiction on the presiding justice of the peace of each county in the State, and to prescribe the powers and duties of the officers of said courts," having maturely considered the same, we are instructed to report the same back to the Senate and recommend its passage.

JOHN L. HENRY, Chairman,

GEO. P. FINLAY, Chairman.

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Judiciary No. 1, to whom was



referred Senate bill No. 122, entitled "An act to amend an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction, duties," etc., having carefully considered the same, instruct me to report it back and recommend its passage.

JNO. L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 99, entitled "An act to provide for change of venue in civil cases in the district courts of this State," having carefully examined the same, instruct me to report it back and recommend its passage with the accompanying amendments.

JOHN L. HENRY, Chairman.

Amend section one, line four, by inserting after the word "shall" the words "have power to."

Amend section two, line two, by inserting after the word "shall" the words "have power to."

Section three, amend by adding the following words at the end of the section: "the distance to be computed by the nearest traveled route."

Section four, line five, amend by inserting after the word "cause" the words "and a certified schedule thereof."

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 76, entitled "An act to prescribe the mode of establishing the liability of drawers and endorsers of bills of exchange and promissory notes, approved March 20, 1848, and amended January 11, 1862," having carefully examined the same, instruct me to report it back to the Senate, with the recommendation that it do not pass.

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 22, entitled "An act supplemental to an act entitled an act to amend an act prescribing the times of holding the district courts in the several judicial districts of the State, approved October 13, 1871," after careful consideration of the same, ask leave to report it back and recommend its passage with the accompanying amendment.

JOHN L. HENRY, Chairman.



Amend by striking out the caption and inserting the following: "An act to amend an act entitled an act supplemental to and amendatory of an act to provide for districting the State of Texas into judicial districts, approved July 2, 1870, approved April 12, 1871."

Senator Pyle, chairman of the Committee on Contingent Expenses, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Contingent Expenses, to whom was referred the account of Thos. Beck, porter of the Senate during the term of the Twelfth Legislature, find that said Beck was authorized, by resolution of the Senate, passed December 2, 1871, to remain ten days after its adjournment to put away the furniture of the same; and that, complying with the conditions of said resolution, the said Beck is entitled to the amount, fifty dollars, embraced in his account. Your committee, therefore, report the following resolution, which they ask to be adopted:

*Resolved*, That Thos. Beck, porter of the Senate during the term of the Twelfth Legislature, be allowed the sum of fifty dollars for services rendered by resolution of said body, and the certificate of the secretary of the Senate, approved by the President, shall authorize the Comptroller to draw his warrant on the Treasurer for the payment of the same.

W. H. PYLE, Chairman.

Senator Dillard, chairman of the Committee on Privileges and Elections, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Privileges and Elections, to whom was referred the consideration of House bill No. 10, entitled "An act to legalize and make valid the recent election in Wilson county, have had the same under consideration, and beg leave to state that the election returns of said county were disregarded by the returning board, upon the ground that the election was not held at the county seat.

The facts in regard to this case, as shown by accompanying petition and affidavits, appear to be about these:

The county seat of Wilson county consists of only one small court house, and a small private residence, and it was impossible for the judges to hold the election at the court house, as the district clerk of said county would not permit them to have the use of it for that highly impor-



tant and necessary purpose ; whereupon the judges adjourned to the nearest house, which was procured by the sheriff, and held the election, which, it is admitted, was conducted in every respect according to law.

To deny the validity of said election, and withhold from the officers elected by the people certificates of election, for such reasons as those, would, in the opinion of your committee, be a strained construction of the law, not contemplated by its makers.

They, therefore, recommend that said bill, with accompanying amendments legalizing said election, do pass

J. E. DILLARD, Chairman.

Senator Saylor introduced a bill entitled "An act to create a new land district." Read first time and referred to the Committee on Public Lands.

Senator Saylor also introduced a bill entitled "An act relating to paupers and minor offenders, and to establish a county farm for manual labor, poor houses and houses of correction." Read first time and referred to the Committee on State Affairs.

Senator Sayers offered the following resolution, which was adopted :

*Resolved*, That the clerk of the special committee for the investigation of the official conduct and accounts of the Superintendent of Public Instruction be required to assist the engrossing clerk in the discharge of his duties.

Senator Finlay introduced a bill entitled "An act to amend Article 766 of the Penal Code." Read first time and referred to Judiciary Committee No. 2.

Senator Henry introduced a bill to be entitled "An act to amend an act entitled 'An act to incorporate the Tyler Tap Railroad Company,' approved December 1, 1871." Read first time and referred to Committee on Internal Improvements.

Senator Henry offered the following resolution, which was adopted :

*Resolved by the Senate*, That a select committee of three be appointed to examine thoroughly into the condition of the office of the Comptroller of Public Accounts and of the Treasurer of the State, and report to the Senate.

The President appointed the following committee, viz: Senators Henry, Ball and Fountain.

Senator Tendick introduced a bill entitled "An act to



authorize the County Court of Colorado county to issue interest-bearing bonds for the purpose of funding the present outstanding indebtedness of said county." Read and referred to Judiciary Committee No. 2.

Senator Pyle introduced a bill to be entitled "An act to incorporate the Kaufman Savings Bank." Read first time and referred to the Committee on State Affairs.

Senator Saylor introduced a bill entitled "An act granting a pension to Wm. Isbell, a surviving veteran of the revolution which separated Texas from Mexico." Read first time and referred to the Committee on State Affairs.

Senator Pyle introduced a bill making an appropriation to defray the contingent expenses of the Thirteenth Legislature. Read first time and passed to the orders of the day.

The following House bills were then taken from the President's desk, read first time, and referred to the committees indicated:

House bill No. 311, "An act to make legal and valid an election for mayor, aldermen and constable of the town of La Grange." Judiciary Committee No. 2.

House bill No. 127, "An act to authorize Isaac Franklin to erect a pontoon bridge over the San Antonio river, in the county of Goliad, Texas." Committee on Counties and County Boundaries.

House joint resolution No. 19, concerning the debt of Texas. Committee on Finance.

House bill No. 91, "An act to amend an act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas." Judiciary Committee No. 2.

House bill No. 53, relating to appeals to Supreme Court from interlocutory judgments in the district courts. Judiciary Committee No. 1.

House bill No. 162, "An act to authorize the County Court of Comal county to levy a special tax." Committee on Finance.

House bill No. 144, "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas." Committee on Judiciary No. 2.

House bill No. 164, "An act to prohibit the sale or otherwise disposing of intoxicating liquors within two miles of the Acton Masonic Institute, in Hood county." Committee on State Affairs.



House bill No. 154, "An act to provide for the election of the city officers for the city of Columbus, and to regulate their duties." Committee on State Affairs.

House bill No. 113, "An act concerning landlords and tenants." Committee on Judiciary No. 2.

House bill No. 270, "An act validating certain land titles in Ellis county." Committee on Judiciary No. 1.

House bill No. 195, "An act to authorize the County Court of Henderson county to levy a tax to pay the outstanding indebtedness, the repairing of bridges, the jail and court house, and for all other purposes for which the said county court is by law authorized to levy a tax." Committee on Finance.

House bill No. 279, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of Bois d'Arc Creek School House, in Bell county, Texas." Committee on State Affairs.

House bill No. 281, "An act providing for a special tax in Wise county." Committee on Finance.

House bill No. 104, "An act to amend section four of an act entitled an act to incorporate Paine Female Institute, approved August 6, 1856." Committee on State Affairs.

House bill No. 278, "An act to prohibit the sale of vinous and spirituous liquors within two miles of Midway, Madison county, Texas." Committee on State Affairs.

House bill No. 221, "An act to regulate the testimony of witnesses in cases of bribery." Judiciary Committee No. 1.

House bill No. 182, "An act to authorize the Police Court of Leon County to levy a special tax to build a jail and for other improvements." Committee on Finance.

House bill No 121, "An act making appropriation to pay the mileage and *per diem* of presidential electors." Committee on Finance.

House bill No. 126, "An act for the relief of A. S. Thurmond." Committee on Private Land Claims.

House bill No. 146, "An act to amend an act to incorporate Austin College, approved November 22, 1849." Committee on State Affairs.

The following message was received from his Excellency the Governor:



EXECUTIVE OFFICE, STATE OF TEXAS, )  
AUSTIN, March 4, 1873. }

*To the Honorable Senate of the State of Texas:*

GENTLEMEN: I respectfully ask your advice and consent to the following appointments, to-wit:

J. H. Banton, District Judge, Thirty-third District.

S. B. Maxey, District Judge, Eighth District.

Very respectfully,

EDMUND J. DAVIS, Governor.

On motion of Senator Flanagan, the Senate then went into executive session.

In Senate.

On motion of Senator Fountain, the secretary of the Senate was requested to inform his Excellency the Governor that the Senate does advise and consent to the appointment of Hon. S. B. Maxey Judge of the Eighth Judicial District.

The following House bills were then taken from the President's desk and referred to the committees indicated:

House bill No. 188, "An act supplementary to and amendatory of an act to regulate the disposal of the public lands of the State of Texas, approved August 12, 1870." Committee on Public Lands.

House bill No. 166, "An act to amend chapter six, title ten, of the Penal Code." Judiciary Committee No. 2.

House bill No. 58, "An act to incorporate the Odd Fellows Male and Female College at Pittsburg, Upshur county, Texas." Committee on Education.

House bill No. 141, "An act to amend Article 773 of the Penal Code of the State of Texas." Judiciary Committee No. 2.

House bill No. 269, "An act to authorize Howard Keys and his associates to construct a toll bridge across the Sabine River, at Crockett's Bluff." Committee on Roads, Bridges and Ferries.

House bill No. 27, "An act in relation to fences in certain counties." Judiciary Committee No. 2.

House bill No. 29, "An act to provide for the registration of voters." Referred to Judiciary Committee No. 1, and one hundred copies ordered printed.

House bill No. 85, "An act directing the publication of the expenditures, assets and indebtedness of the several counties." Committee on Printing.

A message was received from the House informing the



Senate that the House had passed House bill No. 315, "An act to authorize the County Court of Goliad county to levy and collect a special tax for the purpose of building a court house."

Also, House bill No. 131, "An act for the relief of Obediah Marsh."

Senator Dohoney in the chair.

Senate bill No. 15 was read second time, together with report of committee.

Senator Finlay offered the following amendment: "*Provided*, that nothing herein contained shall have any effect to relieve the said consolidated company, or the said Houston Tap and Brazoria Railway, from any debt or liability whatever, credit to the State for school fund loaned, to which the said railway, or the Houston Tap and Brazoria Railway Company, to which it belonged, would be liable without this act, but all such debts and liabilities shall continue in force against said railway and said consolidated company.

On motion of Senator Pickett the bill, together with the amendment, was referred to Judiciary Committee No. 2.

Senate joint resolution concerning the debt of Texas was read second time and ordered engrossed; rules suspended, read third time and passed.

Senate bill No. 103, "An act to amend an act entitled an act to reduce into one and amend the several acts concerning executors, passed January 27, 1842, Paschal's Digest, Article 3775," was read second time.

On motion of Senator Fountain "Paschal's Digest, Article 3775" was stricken out of the caption of the bill.

The bill was then ordered engrossed; rules suspended, read third time and passed.

Senate bill No. 48, to be entitled "An act authorizing the patenting of a certain bounty warrant therein named," was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Cole, Dillard, Evans, Ford, Finlay, Fountain, Gaines, Hall, Henry, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Swift, Tendick and Word—20.

Nay—Senator Franks—1.

By leave Senator Saylor introduced bill entitled "An act validating an election held in Brazos county." Read first time, and referred to Judiciary Committee No. 2.



On motion of Senator Sayers, the rules were suspended, and Senate bill No. 131 was taken up, read second time, and the amendment recommended by the committee adopted, viz.: Amend by adding to section one, "Provided, the receipt of said treasurer, executed and delivered to R. F. Campbell, be returned to said treasurer."

The bill was ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Rawson, Ruby, Sayers, Swift, Tensick and Word—20

Senate bill No. 96, "An act to incorporate the town of Bonham, in Fannin county, approved August 13, 1870," was read second time, together with report and amendments recommended by the committee, and adopted; rules suspended, read third time and passed.

On motion of Senator King, House bill No. 10, "An act to legalize and make valid the recent election in Wilson county," was taken up, read second time; rules suspended, read third time and passed.

The following message was received from his Excellency the Governor, which was read and referred to Judiciary Committee No. 2:

EXECUTIVE OFFICE, STATE OF TEXAS, {  
AUSTIN, March 4, 1873. }

*To the Honorable Senate of the State of Texas:*

GENTLEMEN: The Hon. G. T. Ruby having tendered his resignation as Notary Public of the county of Galveston, I have to submit in his stead the name of Geo. Lanny, Esq., and ask the advice and consent of your honorable body to his appointment as Notary Public of Galveston county.

Respectfully,

EDMUND J. DAVIS, Governor.

Senate bill No. 51, "An act for the relief of sureties on official bonds," together with the report of committee, was read second time.

Senator Fountain moved that the bill be indefinitely postponed, which was lost by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Dohoney, Evans, Fountain and Rawson—7.

Nays—Senators Baker, Cole, Ford, Finlay, Flanagan,



Franks, Gaines, Hall, Henry, Pyle, Randle, Ruby, Saylor, Sayers, Swift, Tendick and Word—17.

Senator Pyle moved to recommit the bill.

Senator Ruby moved to refer the bill to committee of the whole to-morrow at 11:30 o'clock, which was lost by the following vote:

Yeas—Senators Baker, Cole, Ford, Fountain, Henry, Randle, Ruby, Saylor and Tendick—9.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Flanagan, Franks, Gaines, Pyle, Rawson, Sayers, Swift, Tracy and Word—15.

Senator Flanagan moved to adjourn, which was lost by the following vote:

Yeas—Senators Baker, Ball, Evans, Ford, Flanagan, Fountain, Gaines, Hall, Pyle, Rawson, Randle and Tracy—12.

Nays—Senators Avinger, Cole, Dillard, Dohoney, Finlay, Franks, Henry, Ruby, Saylor, Sayers, Tendick, Word and Mr. President—13.

The vote was then taken on Senator Pyle's motion to recommit. Lost.

On motion of Senator Ruby, the Senate adjourned to 10 o'clock A. M. to-morrow.

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SENATE CHAMBER,  
AUSTIN, TEXAS, March 5, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Journal of yesterday read and adopted.

The following message was received from his Excellency the Governor, which was read and referred to a select committee appointed yesterday on Comptroller's and Treasurer's offices:

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, March 5, 1873. }

*To the Honorable Senate and House of Representatives of the State of Texas:*

GENTLEMEN: In my annual message to your body I mentioned the condition in which I had found the State Treasury when vacated by the late Treasurer, Mr. Honey. I recall to your attention, and repeat what I then stated